

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 5:18 CR 182-008
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
GILBERT TREVISO-GARCIA,)	REFERRAL TO U.S. PROBATION
)	<u>OFFICE</u>
Defendant)	

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Thomas M. Parker, regarding the change of plea hearing of Gilbert Treviso-Garcia, which was referred to the Magistrate Judge with the consent of the parties.

On April 11, 2018, the government filed a four count Indictment, charging Defendant Treviso-Garcia in counts 1 and 2. On August 1, 2019 a 13 count Superseding Indictment was filed charging Defendant Treviso-Garcia in counts 1, 2 and 8, with Conspiracy to Manufacture and Possession with Intent to Distribute a Controlled Substance, in violation of 21:841(A)(1) and (b)(1)(A) and 846, Manufacture and Possession with Intent to Distribute a Controlled Substance, and Aiding and Abetting, in violation of 21:841(A)(1), (b)(1)(A) and 18:2, and Interstate Travel in Aid of Racketeering, in violation of 18:2 and 1952(a)(3), respectively. Defendant Treviso-Garcia was arraigned on January 11, 2019 and entered a plea of not guilty to Counts 1, 2 and 8 of the Superseding Indictment, before this court. On August 8, 2019, Magistrate Judge Parker, received Defendant Treviso-Garcia's plea of guilty to counts 1 and 2 of the Superseding Indictment, and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Kelly is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Treviso-Garcia is adjudged guilty to counts 1 and 2 of the Superseding Indictment, in violation of 21:841(A)(1) and (b)(1)(A) and 846, and 21:841(A)(1), (b)(1)(A) and 18:2. This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on November 12, 2019 at 2:00 p.m. in Courtroom 17A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.

UNITED STATES DISTRICT JUDGE

September 12, 2019